

ESTTA Tracking number: **ESTTA1186828**Filing date: **01/26/2022**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner information

Name	Fujian Fugu Industry and Trade Co., Ltd.		
Entity	Limited company	Citizenship	China
Address	NO.365, ZHENHAI N RD., GONGCHEN, LICHENG RM. 1004, BLDG. B-3-2, XIUSHUI HUATING PUTIAN CITY, FUJIAN, 351100 CHINA		
Attorney information	ADRIANO PACIFICI INTELLECTUAL PROPERTY CONSULTING, LLC 400 POYDRAS ST., SUITE 1400 NEW ORLEANS, LA 70130 UNITED STATES Primary email: apacifici@iplawconsulting.com Secondary email(s): creid@iplawconsulting.com 504-322-7166		
Docket no.	01989		

Registration subject to cancellation

Registration no.	6606156	Registration date	01/04/2022
Register	Principal		
Registrant	Fan Xiaojuan ROOM 328, BUILDING 3, NO. 288,DONGLIANG NORTH ROAD, ZHILI TOWN, WUXING DISTRICT, HUZHOU CITY, 313000 CHINA		


Goods/services subject to cancellation

Class 025. First Use: 2020/09/25 First Use In Commerce: 2020/09/25
All goods and services in the class are subject to cancellation, namely: Hats; Jeans; Kaftans; Nightwear; Pants;Skirts; Sweaters; Athletic uniforms; Business wear, namely, suits, jackets, trousers, blazers, blouses, shirts, skirts,dresses and footwear; Hoodies; Jackets;Jogging outfits; Long sleeve pullovers;Short sets; Sleeveless jerseys; Sports jerseys and breeches for sports; Tank tops; Tee shirts; Thong beachwear; Top coats

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Mark cited by petitioner as basis for cancellation

U.S. application no.	97152230	Application date	12/02/2021
Register	Supplemental		
Registration date	NONE	Foreign priority date	NONE
Word mark	GRISWOLD		
Design mark			
Description of mark	The mark consists of the wording GRISWOLD in stylized font.		
Goods/services	Class 025. First use: First Use: 2018/11/01 First Use In Commerce: 2018/11/01 Hats; Hosiery; Scarves; Shoes; Athleticapparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Children's and infant's apparel, namely, jumper coveralls, overall sleepwear, pajamas, rompers and one-piece garments; Infant wear; Leather belts; Rain coats; Sports shoes		

Attachments	97152230#TMSN.png(bytes) Petition for Cancellation .pdf(268464 bytes)
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Signature	/APacifici/
Name	Adriano Pacifici
Date	01/26/2022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re: Registration No. 6606156
For the Word Mark: CLARK GRISWOLD

)	
Fujian Fugu Industry and Trade Co., Ltd.,)	Cancellation No.
Petitioner,)	
)	
v.)	PETITION FOR
)	CANCELLATION
)	
Fan Xiaojuan,)	
Registrant.)	
)	

Petitioner Fujian Fugu Industry and Trade Co., Ltd. (“Petitioner”), believes that it is, and will continue to be, damaged by the existing registration of the word mark CLARK GRISWOLD U.S. Registration No. 6606156, and hereby petitions for cancellation pursuant to 15 U.S.C. § 1064.

As grounds for this Petition for Cancellation, Petitioner respectfully submits:

I. BACKGROUND

Petitioner

1. Petitioner Fujian Fugu Industry and Trade Co., Ltd. is Chinese limited company with a principal business address of Rm. 1004, Bldg. B-3-2, Xiushui Huating No.365, ZhenHai N Rd., Gongchen, Licheng Putian City, Fujian CHINA 351100.
2. Petitioner does business under the trademark GRISWOLD.
3. Petitioner has built up significant goodwill and consumer recognition over several years providing a variety of apparel and clothing products under the GRISWOLD trademark.

4. Petitioner sells its GRISWOLD products in the United States through a variety of trade channels, including ecommerce.
5. Petitioner has common law trademarks rights to the GRISWOLD trademark since at least as early as November 2018.
6. On December 2, 2021, Petitioner applied to register the mark GRISWOLD (Serial no. 97152230) in international class 025 for “Hats; Hosiery; Scarves; Shoes; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Children's and infant's apparel, namely, jumper coveralls, overall sleepwear, pajamas, rompers and one-piece garments; Infant wear; Leather belts; Rain coats; Sports shoes” with an alleged first use in commerce as of November 01, 2018. A true and correct copy of the current print out from the Trademark Status & Document Retrieval of the USPTO for this application is attached as **Exhibit A**.

Registrant

7. Upon information and belief, Registrant Fan Xiaojuan is a Chinese limited company Room 328, Building 3, No. 288, Dongliang North Road, Zhili Town, Wuxing District, Huzhou City, China 313000.
8. On April 10, 2017, Registrant applied to register the word mark TENWIN (Reg. no. 5686745) (“Registrant’s Mark”) in international class 028 for “Action figure toys; action figures; action figures and accessories therefor; amusement game machines; articles of clothing for toys; ball-jointed porcelain dolls; ball-jointed resin dolls; ball-jointed vinyl dolls; bathtub toys; bendable toys; bobblehead dolls; children's multiple activity toys;

Christmas dolls; *et al.*” with an alleged first use in commerce as of October 24, 2017. A true and correct copy of the current print out from the Trademark Status & Document Retrieval of the USPTO for this application is attached as **Exhibit B**.

9. Registrant’s Mark was registered on January 4, 2022.
10. For the reasons set forth below, U.S. Registration No. 6606156 should be cancelled.

II. PRIORITY

11. Paragraphs 1 – 10, above, are realleged and incorporated herein by reference as if set forth in full.
12. Petitioner has priority over Registrant’s Mark.
13. Since at least as early as November 2018, multiple years before Registrant’s alleged first use in commerce of Registrant’s Mark, Petitioner has used the GRISWOLD trademark in commerce for a variety of apparel and clothing products.
14. On information and belief, Registrant may only assert a first use in commerce of Registrant’s Mark as of September 25, 2020, several years after Petitioner adopted and begun use of CLARK GRISWOLD mark.
15. Registrant is not entitled to use or register the mark that is subject to this Cancellation.
16. Petitioner has priority over Registrant’s Mark. Accordingly, registration of Registrant’s Mark is improper under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

III. LIKELIHOOD OF CONFUSION

17. Paragraphs 1 – 16, above, are realleged and incorporated herein by reference as if set forth in full.

18. Persons familiar with the goods provided under Petitioner's Mark, upon seeing the goods to be provided under Registrant's Mark, would likely believe, and would be justified in so believing, that such goods originated from Petitioner or were provided in association, connection, or affiliation with, or under sponsorship, approval, or authorization by Petitioner.
19. Registrant's Mark is nearly identical in sound, meaning, and overall commercial impression to Petitioner's Mark.
20. The goods identified in Registrant's registration and the goods provided by Petitioner are identical.
21. Specifically, Registrant's apparel products are identical to Petitioner's apparel goods.
22. Given that the products are identical, it is presumed that Registrant and Petitioner sell their respective products under identical channels of trade.
23. When viewed by consumers, the trademark that is subject of this Cancellation is likely to be confused with Petitioner's Mark.
24. The use and/or registration of Registrant's Mark for the goods listed in Registrant's registration is thus likely to cause confusion or mistake, or to deceive the public as to the source of goods. As such, continued registration of Registrant's Mark violates Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).
25. As the known source of goods offered under Petitioner's Mark, consumers would likely believe that the goods identified in Registrant's Mark emanate from Petitioner due to

the identical marks, identical products, and identical channels of trade. This likelihood of confusion will damage Petitioner within the mean of 15 U.S.C. § 1063.

IV. **CONCLUSION**

26. The continued registration of Registrant's Mark is inconsistent with Petitioner's rights in its CLARK GRISWOLD trademark and will cause damage to Petitioner's business.
27. U.S. Registration No. 6606156 should be cancelled because Petitioner has priority to Petitioner's Mark and because Registrant's Mark is likely to cause confusion with Petitioner's Mark. Continued registration of Registrant's Mark will cause damage to Petitioner's business.

WHEREFORE, Petitioner respectfully prays that its Petition be sustained and that the Board cancel U.S. Registration No. 6606156.

Dated this 26th day of January 2022.

Petitioner submits herewith the requisite filing fee of \$600.00 for this cancellation.

Respectfully submitted,

s/APacifici/
Adriano Pacifici
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New Orleans, LA 70130
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E-mail: apacifici@iplawconsulting.com
Attorney for Petitioner

EXHIBIT A

Generated on: This page was generated by TSDR on 2022-01-26 09:27:47 EST

Mark: GRISWOLD

GRISWOLD

US Serial Number: 97152230

Application Filing Date: Dec. 02, 2021

Register: Supplemental

Mark Type: Trademark

**TM5 Common Status
Descriptor:**



LIVE/APPLICATION/Awaiting Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and has not yet been assigned to an examiner.

Status: New application will be assigned to an examining attorney approximately 6 months after filing date.

Status Date: Dec. 08, 2021

Mark Information

Mark Literal Elements: GRISWOLD

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the wording GRISWOLD in stylized font.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Hats; Hosiery; Scarves; Shoes; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Children's and infant's apparel, namely, jumper coveralls, overall sleepwear, pajamas, rompers and one-piece garments; Infant wear; Leather belts; Rain coats; Sports shoes

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 01, 2018

Use in Commerce: Nov. 01, 2018

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Fujian Fugu Industry and Trade Co., Ltd.

Owner Address: Rm. 1004, Bldg. B-3-2, Xiushui Huating
No.365, ZhenHai N Rd., Gongchen, Licheng
Putian City, Fujian CHINA 351100

Legal Entity Type: limited company (ltd.)

State or Country CHINA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jonathan G. Morton

Docket Number: yoomarks

Attorney Primary jmlawchina@gmail.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent JONATHAN G. MORTON
Name/Address: RM.2005, BLDG.16, DONGHENG TIMES PHASE 3
CHINA CLIENT
CHAOYANG, BEIJING CHINA 100025

Phone: 305-764-9179

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 06, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 06, 2021	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Dec. 08, 2021

EXHIBIT B

Generated on: This page was generated by TSDR on 2022-01-26 09:28:54 EST

Mark: TENWIN

TENWIN

US Serial Number: 87404702

Application Filing Date: Apr. 10, 2017

US Registration Number: 5686745

Registration Date: Feb. 26, 2019

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Dec. 17, 2021

Publication Date: May 15, 2018 **Notice of Allowance Date:** Jul. 10, 2018

Mark Information

Mark Literal Elements: TENWIN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Action figure toys; action figures; action figures and accessories therefor; amusement game machines; articles of clothing for toys; ball-jointed porcelain dolls; ball-jointed resin dolls; ball-jointed vinyl dolls; bathtub toys; bendable toys; bobblehead dolls; children's multiple activity toys; Christmas dolls; Christmas tree ornaments and decorations; costume masks; dolls; dolls for playing; dreidels; fishing poles; infant development toys; inflatable toys; knee pads for athletic use; Kokeshi dolls; musical toys; plush dolls; ride-on toys; roller skates; toy animals; toy robots; transforming robotic toys

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 24, 2017

Use in Commerce: Oct. 24, 2017

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Lili Wu

Owner Address: No.465, Jixiang St., Fenghuangshan
Sub-district, Chengxiang
Putian, Fujian CHINA 351100

Legal Entity Type: INDIVIDUAL

Citizenship: CHINA

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: YING AYALA# USAEU
2006 CHIPPEWA AVE
EDINBURG, TEXAS UNITED STATES 78541

Phone: 956-577-1268

Correspondent e-mail: bodoyor@126.com kimli201504@163.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Ying Ayala# usaeu

Phone: 9565771268

Prosecution History

Date	Description	Proceeding Number
Dec. 17, 2021	CANCELLATION INSTITUTED NO. 999999	78676
Feb. 26, 2019	REGISTERED-PRINCIPAL REGISTER	
Jan. 24, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 24, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jan. 24, 2019	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 23, 2019	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 23, 2019	ASSIGNED TO EXAMINER	89012
Dec. 20, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	70884
Dec. 20, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	70884
Dec. 19, 2018	ASSIGNED TO LIE	70884
Dec. 17, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 23, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Oct. 23, 2018	NON-FINAL ACTION E-MAILED	
Oct. 23, 2018	SU - NON-FINAL ACTION - WRITTEN	91168
Sep. 07, 2018	STATEMENT OF USE PROCESSING COMPLETE	65362
Aug. 09, 2018	USE AMENDMENT FILED	65362
Sep. 07, 2018	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Aug. 09, 2018	TEAS STATEMENT OF USE RECEIVED	
Jul. 13, 2018	WITHDRAWAL OF ATTORNEY GRANTED	
Jul. 13, 2018	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Jul. 10, 2018	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 15, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 15, 2018	PUBLISHED FOR OPPOSITION	
Apr. 25, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 09, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 21, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Mar. 21, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Mar. 19, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 27, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Feb. 27, 2018	NON-FINAL ACTION E-MAILED	6325
Feb. 27, 2018	NON-FINAL ACTION WRITTEN	91168
Feb. 16, 2018	HIDDEN SENSITIVE CONTENT	80813
Feb. 12, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Feb. 12, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Feb. 09, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 04, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 08, 2017	HIDDEN SENSITIVE CONTENT	68291
Nov. 08, 2017	NON-FINAL ACTION MAILED	
Nov. 08, 2017	NON-FINAL ACTION WRITTEN	91168
Sep. 07, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Sep. 07, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Sep. 06, 2017	ASSIGNED TO LIE	70629
Aug. 23, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 08, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 08, 2017	NON-FINAL ACTION E-MAILED	6325
May 08, 2017	NON-FINAL ACTION WRITTEN	91168
May 03, 2017	ASSIGNED TO EXAMINER	91168
Apr. 15, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 13, 2017	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 23, 2019

Proceedings

Summary

Number of 1
Proceedings:

Type of Proceeding: Cancellation

Proceeding Number: [92078676](#)

Filing Date: Dec 13, 2021

Status: Pending

Status Date: Dec 17, 2021

Interlocutory Attorney: MIKE WEBSTER

Defendant

Name: Lili Wu

Correspondent Address: YING AYALA# USAEU
2006 CHIPPEWA AVE
EDINBURG TX UNITED STATES , 78541

Correspondent e-mail: bodoyor@126.com , kimli201504@163.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TENWIN	Cancellation Pending	87404702	5686745

Plaintiff(s)

Name: Shenzhen Ningbo Tianhong Stationery Co., Ltd.

Correspondent Address: ADRIANO PACIFI
INTELLECTUAL PROPERTY CONSULTING, LLC
400 POYDRAS STREET SUITE 1400
NEW ORLEANS LA UNITED STATES , 70130

Correspondent e-mail: apacifici@iplawconsulting.com , creid@iplawconsulting.com

Prosecution History

Entry Number	History Text	Date	Due Date
3	INSTITUTED	Dec 17, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 17, 2021	Jan 26, 2022
1	FILED AND FEE	Dec 13, 2021	